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REMARKS

Claim 14 has been amended to overcome the objection due to the spelling of "comprising." As the Examiner indicated in an August 10, 2006 phone conference, Claim 15 is allowable if amended to incorporate base and intervening claim limitations. Claim 15 has been cancelled and its limitations have been incorporated into independent claims 1, 5, 26 and 28. Specifically, claims 1, 5, 26 and 28 have been amended to indicate that the information related to the input bit stream(s) and the output bit stream is obtained for one or more frames and input to a data reduction process over a specified time period and wherein the evaluation metric is an average value over the specified time period.

Although the limitations of allowable claim 15 have been incorporated into the independent claims 1, 5, 26, and 28, it is respectfully submitted that the independent claims even in unamended form would be allowable, and Applicants reserve the right to pursue claims of similar scope in possible continuation applications. Claims 1-9, 14 and 26-29 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pub. No. 2002/0067768 issued to Hurst in view of prior art admitted by the Applicant in pages 8-9 of the specification. These rejections are respectfully traversed.

The Hurst reference describes processing "to convert an input compressed video bitstream into an output compressed video bitstream", which is "adjusted based on control parameters that are generated by comparing analogous measurements made to the input and output bitstreams so that subsequent measurements of the output bitstream will more closely match subsequent measurements of the input bitstream (See Abstract)." It is process 12 of Hurst that converts, in some non-specified manner, the input stream to the output stream. "Process 12 may be any suitable process that changes, for example, the imagery represented in the input bitstream and/or the bitstream bit rate (Paragraph 0030)." Measurements are then performed on the input bitstream and the output bitstream. "The input and output measurements are compared by a control process 26 which generates one or more control parameters 28 that are used to adjust process 12 so that subsequent output measurements 24 will more closely match subsequent input measurements 20 (Paragraph 0031)."

Claim 1 of the instant application is set forth below for convenient reference.

An apparatus for generating one or more evaluation metrics associated with the performance of a statistical remultiplexer as a whole, the apparatus comprising:

a first input for receiving information related to an input bit stream to the statistical remultiplexer;

a second input for receiving information related to the output bit stream from the statistical remultiplexer;
logic for generating said one or more evaluation metrics using the received information from both said input and said output bit streams that provides a quantitative measure of the performance of the statistical remultiplexer; and
at least one output for outputting said one or more evaluation metrics of the statistical remultiplexer.

The outstanding Office Action states that it would have been obvious to replace process 12 of Hurst with a statistical remultiplexer. This rejection is respectfully traversed.

In a statistical-remultiplexer, a number of multiplexed channels are combined into one single bitstream. "A statistical remultiplexer and its components perform steps to ensure that the bandwidth of the output transport medium is fully utilized. Typically, a plurality of compressed bitstreams 802 and 804 are input to the statremux 806 after being initially processed (Page 19 lines 23-26." In stark contrast, nowhere in the Hurst reference are multiple input bitstreams ever mentioned nor even suggested. Hence, it cannot be construed as obvious that process 12 of Hurst can be replaced with a statistical multiplexer, which is explicitly required by all of the claims.

Furthermore, the functionality of the evaluator 832 of the present invention is to serve as "an apparatus for generating one or more evaluation metrics associated with the performance of a statistical remultiplexer" as required by all of the claims of the instant application. In stark contrast, the control process 26 of Hurst generates one or more control parameters 28 (not to be construed as evaluation metrics) that are used as feedback to adjust process 12. Hence, the objective of the evaluator 832 of the present invention is a performance evaluator, as stated in Claim 1, and not, as required by Hurst, a feedback controller.

In view of the foregoing, the Applicant believes that Claim 1 as amended is neither suggested nor rendered obvious by Hurst and respectfully request that the rejection of Claim 1 be withdrawn.

Amended independent claims 5, 26 and 28 recite essentially the same limitations as Claim 1. Therefore, the Applicants believe that independent claims 5, 26 and 28 are, for at least the reasons stated above for Claim 1, also allowable.

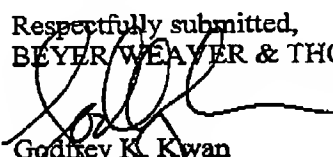
Furthermore, all remaining dependent claims depend either directly or indirectly from claims 1, 5, 26 and 28 and are also believed to be allowable for at least the reasons stated above.

Therefore, the Applicant believes that all pending claims are allowable.

CONCLUSION

In view of the foregoing, it is respectfully submitted that all pending claims are allowable. Should the Examiner believe that a further telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Respectfully submitted,
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